
SENATE BILL NO. 427—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF VETERINARY
MEDICAL EXAMINERS)

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to veterinarians.
(BDR 54-472)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to veterinarians; eliminating the requirement that a complaint filed with the Nevada State Board of Veterinary Medical Examiners must be verified; eliminating the requirement that an application for the renewal of a license must be notarized; clarifying the provisions governing the attorney's fees and costs that the Board may recover from a licensee for certain actions committed by the licensee; revising the procedure for the disposition of complaints filed with the Board; revising certain provisions relating to the confidentiality of records and information concerning an investigation conducted by the Board; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 638 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *The Board may recover from a licensee all administrative*
4 *expenses, attorney's fees and costs incurred by the Board relating*
5 *to:*



1 (a) Any disciplinary action taken against the licensee,
2 including, without limitation, any investigation or hearing relating
3 to the disciplinary action;

4 (b) Any action to impose or collect a civil penalty from a
5 licensee, if the Board is so entitled; or

6 (c) Any petition of the licensee for judicial review of a decision
7 or order of the Board or any appeal of a decision or order of a
8 court relating thereto, if the Board is the prevailing party.

9 2. The Board may recover all administrative expenses,
10 attorney's fees and costs incurred by the Board relating to:

11 (a) The enforcement of a subpoena for which a court has
12 entered an order compelling compliance; or

13 (b) Any other judicial proceeding relating to the enforcement
14 of any provision of this chapter or any regulation adopted
15 pursuant thereto.

16 **Sec. 2.** NRS 638.013 is hereby amended to read as follows:

17 638.013 "Veterinary technician" means a person who is
18 ~~formally~~:

19 1. Licensed by the Board pursuant to NRS 638.122; and

20 2. Formally trained for the specific purpose of assisting a
21 licensed veterinarian in the performance of professional or technical
22 services in the field of veterinary medicine.

23 **Sec. 3.** NRS 638.020 is hereby amended to read as follows:

24 638.020 1. The Nevada State Board of Veterinary Medical
25 Examiners is hereby created.

26 2. The Board consists of seven members appointed by the
27 Governor.

28 3. Six of the members must:

29 (a) Be residents of the State of Nevada.

30 (b) Be graduates of a veterinary college ~~approved~~ accredited
31 by the American Veterinary Medical Association.

32 (c) Have been lawfully engaged in the ~~private~~ practice of
33 veterinary medicine in the State of Nevada for at least 5 years next
34 preceding the date of their appointment.

35 4. One member appointed by the Governor must be a
36 representative of the general public.

37 5. Any member may be removed from the Board by the
38 Governor for good cause.

39 **Sec. 4.** NRS 638.060 is hereby amended to read as follows:

40 638.060 1. The Board shall meet at least annually and on the
41 call of the President or any four of its members.

42 2. Four members of the Board constitute a quorum ~~and~~, and a
43 quorum is necessary to conduct the business of the Board. Any
44 action taken by the Board must be approved by at least a majority
45 of the members present at a hearing or meeting of the Board.



1 **Sec. 5.** NRS 638.087 is hereby amended to read as follows:
 2 638.087 1. The Board shall keep a record of:
 3 (a) All charges filed against a licensee;
 4 (b) The proceedings of any formal hearing conducted by the
 5 Board or a hearing officer;
 6 (c) Any order filed by the Board; and
 7 (d) All licenses issued by the Board including the name of the
 8 holder of the license, his business ~~[and residential addresses,]~~
 9 *address*, the date the license was issued and the ~~[serial]~~
 10 the license.

11 2. The records of the Board listed in subsection 1 must be open
 12 to the public at reasonable times and places.

13 **Sec. 6.** NRS 638.089 is hereby amended to read as follows:
 14 638.089 1. Except as *otherwise* provided in this section, all
 15 information received by the Board concerning an applicant for a
 16 license or a licensee, including the results of an investigation, is
 17 confidential.

18 2. ~~If the Board takes disciplinary action against an applicant or~~
 19 ~~licensee, the complaint and the action taken are no longer required~~
 20 ~~to be confidential.~~

21 ~~3. If the Board conducts any proceeding other than a~~
 22 ~~disciplinary action regarding an applicant or licensee, its statement~~
 23 ~~of findings and any order issued relating thereto are no longer~~
 24 ~~required to be confidential.~~

25 ~~4. Information concerning an applicant or a licensee may be~~
 26 ~~disclosed, pursuant to procedures established by regulation of the~~
 27 ~~Board, to a court or an agency of the Federal Government, any state~~
 28 ~~or any political subdivision of this state. Notice of the disclosure and~~
 29 ~~the contents of the information must be given to the applicant or~~
 30 ~~licensee within 3 business days before the disclosure.]~~ *Except as*
 31 *otherwise provided in subsection 3, any records or information*
 32 *relating to an investigation by the Board are public records only*
 33 *if:*

34 (a) *Disciplinary action is imposed by the Board as a result of*
 35 *the investigation; or*

36 (b) *The person who is the subject of the investigation submits a*
 37 *written request to the Board requesting that the records be made*
 38 *public records.*

39 3. *The Board may provide any record or information*
 40 *described in subsection 2 to any other licensing board or agency,*
 41 *including a law enforcement agency, which is investigating a*
 42 *person who is licensed pursuant to this chapter.*

43 **Sec. 7.** NRS 638.100 is hereby amended to read as follows:
 44 638.100 1. Any person who desires to secure a license to
 45 practice veterinary medicine, surgery, obstetrics or dentistry in the



1 State of Nevada must make written application to the Executive
2 Director of the Board.

3 2. The application must include the social security number of
4 the applicant and any other information required by the Board and
5 must be accompanied by satisfactory proof that the applicant:

6 (a) Is of good moral character;

7 (b) Except as otherwise provided in subsection 3, has received a
8 diploma conferring the degree of doctor of veterinary medicine or
9 its equivalent from a school of veterinary medicine ~~[within the~~
10 ~~United States or Canada]~~ *that is accredited by the Council on*
11 *Education of the American Veterinary Medical Association* or, if
12 the applicant is a graduate of a school of veterinary medicine
13 ~~[located outside the United States or Canada,]~~ *that is not accredited*
14 *by the Council on Education of the American Veterinary Medical*
15 *Association, that he has received an educational certificate issued*
16 ~~[after December 31, 1972,]~~ by the Educational ~~[Committee on]~~
17 *Commission for Foreign Veterinary Graduates of the American*
18 *Veterinary Medical Association* ~~[;]~~ *or, if the Educational*
19 *Commission for Foreign Veterinary Graduates of the American*
20 *Veterinary Medical Association ceases to exist, by an organization*
21 *approved by the Board that certifies that the holder of the*
22 *certificate has demonstrated knowledge and skill of veterinary*
23 *medicine that is equivalent to the knowledge and skill of veterinary*
24 *medicine of a graduate of a college of veterinary medicine that is*
25 *accredited by the Council on Education of the American*
26 *Veterinary Medical Association;*

27 (c) Has passed each examination required by the Board pursuant
28 to NRS 638.110; and

29 (d) Is a citizen of the United States or is lawfully entitled to
30 remain and work in the United States.

31 3. A veterinary student in his final year at a school accredited
32 by the American Veterinary Medical Association may submit an
33 application to the Board and take the state examination administered
34 by the Board, but the Board may not issue him a license until he has
35 complied with the requirements of subsection 2.

36 4. The application must be signed by the applicant, notarized
37 and accompanied by a fee set by the Board, not to exceed \$500.

38 5. The Board may refuse to issue a license ~~[upon satisfactory~~
39 ~~proof that the]~~ *if the Board determines that an* applicant has
40 committed an act which would be a ground for disciplinary action if
41 the applicant were a licensee.

42 ~~[6. If an applicant brings a civil action against the Board for~~
43 ~~denial of a license and the decision of the Board is upheld, the~~
44 ~~Board may recover all administrative expenses and attorney's fees~~



1 ~~and costs incurred by the Board in defending the action brought~~
2 ~~against it.]~~

3 **Sec. 8.** NRS 638.123 is hereby amended to read as follows:

4 638.123 1. Each applicant for a license as a veterinary
5 technician must pass:

6 (a) The state examination administered by the Board; *and*

7 (b) The ~~[national]~~ Veterinary Technician *National* Examination
8 ~~[administered by the American Veterinary Medical Association;~~
9 ~~and~~

10 ~~—(c) Any] or any~~ other examination ~~[required]~~ *approved* by the
11 Board . ~~[which has been approved by the Board or the American~~
12 ~~Veterinary Medical Association.]~~

13 2. The Board may supplement the written examination required
14 by this section with oral interviews and practical demonstrations as
15 the Board considers necessary.

16 3. The Board shall adopt regulations prescribing the
17 requirements for examination.

18 **Sec. 9.** NRS 638.127 is hereby amended to read as follows:

19 638.127 1. On or before November 15 of each year, the
20 Executive Director shall mail to each person licensed under the
21 provisions of this chapter an application form for the renewal of his
22 license.

23 2. Each applicant for renewal must complete the form and
24 return it to the Executive Director, accompanied by the statement
25 required pursuant to NRS 638.103, the renewal fee and full payment
26 of all fines which he owes to the Board, on or before January 1 of
27 each year. Each application for renewal must be signed by the
28 applicant . ~~[and notarized.]~~ The renewal fee for licensees and
29 persons on inactive status must be in an amount determined by the
30 Board.

31 3. Upon receipt of the application and statement and payment
32 of the renewal fee and all fines owed, the Board shall issue to that
33 person a certificate of renewal.

34 4. Any person who fails to renew his license on or before
35 March 1 of each year forfeits his license.

36 5. When a person has forfeited his license in the manner
37 provided in subsection 4, the Board may reinstate the license and
38 issue a certificate of renewal upon receipt of the statement required
39 pursuant to NRS 638.103 and payment of:

40 (a) The renewal fee;

41 (b) All fines owed; and

42 (c) A delinquency penalty of \$50 for each month or fraction
43 thereof the license was not renewed after January 1.



1 6. If a licensee does not practice for more than 12 consecutive
2 months, the Board may require him to take an examination to
3 determine his competency before renewing his license.

4 7. If a licensee does not renew his license and he is licensed to
5 practice in another state or territory of the United States, the Board
6 may not issue him a license to practice in the State by reciprocity.
7 Such a licensee must reinstate his license in the manner prescribed
8 by the Board.

9 **Sec. 10.** NRS 638.1413 is hereby amended to read as follows:

10 638.1413 1. The Board or any of its members who becomes
11 aware of any fact which may be any one or a combination of the
12 grounds for initiating disciplinary action shall, and any other person
13 who is so aware may, file with the Board a ~~verified~~ written
14 complaint specifying the relevant facts.

15 2. The Board may, upon its own motion, and shall, upon
16 receipt of such a complaint, investigate the actions of any applicant
17 for a license or any holder of a license issued pursuant to the
18 provisions of this chapter.

19 3. The Executive Director shall send written notice by certified
20 mail with return receipt requested to the person being investigated.
21 The notice must contain the name of the person who filed the
22 complaint against the licensee, the nature of the complaint and a
23 request for any medical records the licensee may have relating to the
24 complaint.

25 **Sec. 11.** NRS 638.1419 is hereby amended to read as follows:

26 638.1419 ~~1.~~ The Board shall appoint one of its members to
27 conduct the investigation of a complaint. The member conducting
28 the investigation may request assistance from the Attorney General
29 or the Executive Director of the Board, and may employ
30 investigators, professional consultants, and any other personnel
31 necessary to conduct the investigation.

32 ~~2. Immediately after his appointment, the member conducting
33 the investigation shall notify the person being investigated by
34 telephone or by certified mail with return receipt requested. The
35 member conducting the investigation shall describe the reasons for
36 the investigation.~~

37 **Sec. 12.** NRS 638.1429 is hereby amended to read as follows:

38 638.1429 1. ~~1.~~ *After the investigation of the complaint is*
39 *completed*, the member of the Board ~~conducting~~ *who conducted*
40 the investigation *shall submit to the Board a written report of his*
41 *findings and recommendations concerning the disposition of the*
42 *complaint.*

43 2. *If the Board* determines that there ~~is a reasonable basis for~~
44 ~~the complaint, he shall submit to the Board a written statement of~~
45 ~~his findings.~~



1 ~~—2. If the member conducting the investigation] is not sufficient~~
2 ~~evidence to believe that a licensee has committed an act which~~
3 ~~constitutes a cause for disciplinary action, the Board shall dismiss~~
4 ~~the complaint and send a written notice to the person who filed the~~
5 ~~complaint and the licensee who was the subject of the~~
6 ~~investigation that the complaint was dismissed.~~

7 3. If the Board determines that there ~~[is a reasonable basis for~~
8 ~~the complaint, he may:~~

9 ~~—(a) Recommend a formal hearing. If the Board agrees with this~~
10 ~~recommendation it shall, by motion, fix] is sufficient evidence to~~
11 ~~believe that a licensee has committed an act which constitutes a~~
12 ~~ground for disciplinary action, the Board may enter into a~~
13 ~~settlement agreement with the licensee. The settlement agreement~~
14 ~~must be signed by the licensee and the President of the Board. The~~
15 ~~Board shall send a written notice of the settlement to the person~~
16 ~~who filed the complaint against the licensee. The notice must~~
17 ~~include a copy of the settlement agreement. The complaint and the~~
18 ~~settlement agreement are public records.~~

19 4. If the Board does not enter into a settlement agreement
20 with the licensee, the Board shall:

21 (a) Cause an accusation to be filed against the licensee. The
22 accusation must:

- 23 (1) Include a written statement of the charges alleged;
- 24 (2) Set forth in ordinary and concise language the acts or
- 25 omissions with which the licensee is charged;
- 26 (3) Specify the statutes and regulations which the licensee
- 27 is alleged to have violated; and
- 28 (4) Be signed by the President of the Board.

29 (b) Fix a time and place for a hearing and so notify the ~~[person]~~
30 ~~licensee~~ at least ~~[20]~~ 30 days before the date of the hearing. The
31 notice must include a copy of the ~~[statement of findings.~~

32 ~~(b) Recommend that the Board conduct an informal hearing~~
33 ~~based on the allegations in the verified complaint and the results of~~
34 ~~the investigation.~~

35 ~~—(c) Submit his statement of findings to the person under~~
36 ~~investigation.~~

37 ~~If he agrees in writing to the findings of the member conducting the~~
38 ~~investigation, the Board may adopt that report and take such~~
39 ~~disciplinary action as is necessary without conducting a hearing.]~~
40 ~~accusation and any disciplinary action the Board may impose~~
41 ~~pursuant to NRS 638.147.~~

42 **Sec. 13.** NRS 638.147 is hereby amended to read as follows:

43 638.147 If the Board determines that any applicant for a license
44 or any person licensed pursuant to this chapter has committed any of
45 the acts which are grounds for disciplinary action, the Board may:



- 1 1. Refuse to issue a license.
- 2 2. Refuse to renew a license.
- 3 3. Revoke a license.
- 4 4. Suspend a license for a definite period or until further order
- 5 of the Board.
- 6 5. Impose a fine in an amount not to exceed \$10,000 for each
- 7 act which constitutes a ground for disciplinary action.
- 8 6. Place a licensee on probation subject to any reasonable
- 9 conditions imposed by the Board, including requiring courses in
- 10 continuing education or a periodic or continuous review of his
- 11 practice.
- 12 7. Administer a public or private reprimand.
- 13 8. Limit the practice of the licensee to specified branches of
- 14 veterinary medicine.
- 15 9. Require the licensee to take a competency examination or a
- 16 mental or physical examination.
- 17 ~~[10.—Require the licensee to pay all costs incurred by the Board~~
- 18 ~~in taking disciplinary action against the licensee.]~~

19 **Sec. 14.** NRS 638.148 is hereby amended to read as follows:
20 638.148 1. Any person against whom disciplinary action has
21 been taken by the Board is entitled to judicial review of the Board's
22 order.

23 2. Every order of the Board imposing a sanction pursuant to
24 NRS 638.147 is effective from the date the President and Executive
25 Director certify the order until the date the order is modified or
26 reversed by a final judgment of the court.

27 ~~[3.—The district court shall give priority to a petition for judicial~~
28 ~~review of the Board's order over other civil matters which are not~~
29 ~~expressly given priority by law.]~~

30 **Sec. 15.** NRS 638.1515 is hereby amended to read as follows:
31 638.1515 In any proceeding before the Board ~~[-~~
32 ~~—1.—Proof of actual injury need not be established where the~~
33 ~~statement of findings charges deceptive or unethical professional~~
34 ~~conduct.~~

35 ~~—2.—A]~~, a certified copy of the record of a court or a licensing
36 agency showing a conviction or the suspension, limitation,
37 modification, denial or revocation of a license of a veterinarian or
38 veterinary technician is conclusive evidence of its occurrence. A
39 plea of nolo contendere is a conviction for the purpose of this
40 section.

41 **Sec. 16.** NRS 638.1426, 638.145 and 638.154 are hereby
42 repealed.



TEXT OF REPEALED SECTIONS

638.1426 Stay by court of Board's summary order for suspension prohibited; exception. If the Board issues an order summarily suspending the license of a veterinarian or veterinary technician pending proceedings for disciplinary action, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as practicable.

638.145 Satisfactory proof of violation required for refusing to issue license or taking disciplinary action. The Board shall not refuse to issue a license to an applicant or take any disciplinary action except upon satisfactory proof that the applicant or licensee has engaged in one or more of the practices prohibited by the provisions of this chapter.

638.154 Court may award costs and reasonable attorney's fees incurred by Board. A court may award costs and reasonable attorney's fees incurred by the Board to:

1. Enforce a subpoena if the court enters an order compelling compliance; or
2. Enforce the provisions of this chapter.

